

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

In Re: **Sam A Bhatia**

Case No.:

**16-31404**

Judge:

**KCF**

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Modified/Notice Required

Date:

**6/22/2018**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **JJS III**

Initial Debtor: **SAB**

Initial Co-Debtor

### Part 1: Payment and Length of Plan

a. The debtor shall pay 400.00 Monthly to the Chapter 13 Trustee, starting on July 1, 2018 for approximately 41 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☒ Other sources of funding (describe source, amount and date when funds are available): \$7,600 already paid into Plan.

c. Use of real property to satisfy plan obligations:

☒ Sale of real property  
Description: 170 & 176 Gunning River Road, Barnaget, NJ  
Proposed date for completion: 1 year from confirmation

☐ Refinance of real property:  
Description: \_\_\_\_\_  
Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:  
Description: \_\_\_\_\_  
Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

### Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>Scura, Wigfield, Heyer, Stevens &amp; Cammarota, LLP</b>	<b>Administrative</b>	<b>Amount to be determined by further application to the Court</b>
<b>Chhaya Bhatia</b>	<b>Domestic support obligations</b>	<b>Current, debtor will continue to pay monthly as agreed</b>
<b>Internal Revenue Service</b>	<b>Taxes and certain other debts</b>	<b>13,493.05</b>

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:

- ☒ None  
☐ The allowed priority claims listed below are based on a domestic support obligation that has been

assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

Creditor

Vw Credit Inc - auto loan

Wells Fargo Home Mortgage - mortgage on residence

**g. Secured Claims to be Paid in Full Through the Plan ☐ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
Internal Revenue Service (secured portion Claim# 1)	170 & 176 Gunning River Road, Barnaget, NJ.	40,387.46 (Paid with the sale proceeds of 170 & 176 Gunning River Road, Barnaget, NJ)

**Part 5: Unsecured Claims ☐ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☒ Not less than \$ 4,843.50 to be distributed *pro rata*

☐ Not less than \_\_\_ percent

☐ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions ☒ NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be**

filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☒

**NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C.

Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

**Date of Plan being modified: April 4, 2017**

Explain below **why** the plan is being modified:

To extend time to sell land located at 170 & 176 Gunning River Road.

To change the treatment of the lien with Wells Fargo Home Mortgage as unaffected, as the Debtor has completed his trial and motion to approve the loan modification is being prepared.

Explain below **how** the plan is being modified:

Pat1c updated to reflect an additional 12 months to sell land.

Wells Fargo Home Mortgage added to Part4f.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes☐ No**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

□ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date **June 22, 2018**

**/s/ John J. Scura, III**

**John J. Scura, III 022771993 NJ**

Attorney for the Debtor

Date: **June 22, 2018**

/s/ Sam A Bhatia

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**Sam A Bhatia**

Debtor

Date:

## Joint Debtor

## Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date **June 22, 2018**

**/s/ John J. Scura, III**

**John J. Scura, III 022771993 NJ**

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: **June 22, 2018**

/s/ Sam A Bhatia

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**Sam A Bhatia**

Debtor

Date:

### Joint Debtor

## Imaged Certificate of Notice Page 7 of 8

United States Bankruptcy Court  
District of New JerseyIn re:  
Sam A Bhatia  
DebtorCase No. 16-31404-KCF  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 44

Date Rcvd: Jun 25, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 27, 2018.

db +Sam A Bhatia, 849 New Dover Road, Edison, NJ 08820-1806  
 aty +Phelan Hallinan Diamond & Jones, P.C., 400 Fellowship Road, Suite 100,  
 Mount Laurel, NJ 08054-3437  
 sp +Franzblau Dratch, 354 Eisenhower Parkway, Livingston, NJ 07039-1028  
 sp +Franzblau Dratch, PC, Plaza One, 354 Eisenhower Parkway, Livingston, NJ, NJ 07039-1028  
 cr +Wells Fargo Bank, NA., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,  
 Mt. Laurel, NJ 08054-3437  
 lm +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335  
 516489846 +AJB Associates, LLC, 849 New Dover Road, Edison, NJ 08820-1806  
 516675779 American Express Bank, FSB, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 516548804 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,  
 Malvern PA 19355-0701  
 516489847 +Amex, PO Box 297871, Fort Lauderdale, FL 33329-7871  
 516489848 +Amex, P.O. Box 981537, El Paso, TX 79998-1537  
 516489849 +Bank of America, NC-001-07-06, 101 North Tryon Street, Charlotte, NC 28255-0001  
 516489850 +Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803  
 516489851 Business Card, PO Box 15796, Wilmington, DE 19886-5796  
 516489852 Cach Llc, Pob 5980, Denver, CO 80127  
 516489854 +Chase Card, PO Box 15298, Wilmington, DE 19850-5298  
 516489856 +Chhaya Bhatia, 134 West Gate Drive, Edison, NJ 08820-1157  
 516489857 +Citi, Pob 6241, Sioux Falls, SD 57117-6241  
 516489858 +Firstsource Advantage, 205 Bryant Woods South, Amherst, NY 14228-3609  
 516489861 +Itria Ventures, LLC, 20 West 22nd Street, No. 706, New York, NY 10010-5857  
 516489862 +Law Offices Of Edward Weissman, 60 East 42nd Street., Ste. 557, New York, NY 10165-0557  
 516489864 +Lyons & Associates, PC, Hamon Building, 76 East Main Street, Somerville, NJ 08876-2312  
 516489865 +Lyons, Doughty Veldhuis, 136 Gaither Drive, Ste. 100, Mount Laurel, NJ 08054-2239  
 516489866 +New Jersey Division of Taxation, 50 Barrack Street 9th Floor, P.O. Box 245,  
 Trenton, NJ 08602-0245  
 516489869 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747  
 516489868 +Phelan, Hallinan, Diamond & Jones, LLP, 400 Fellowship Road, ste. 100,  
 Mount Laurel, NJ 08054-3437  
 516521576 +VW Credit, Inc., PO Box 9013, Addison, Texas 75001-9013  
 516596863 WELLS FARGO BANK, N.A., Wells Fargo Bank, N.A., Default Document Processing,  
 MAC N9286-01Y, 1000 Blue Gentian Road, Eagan MN 55121-7700  
 516489873 +Wells Fargo Hm Mortgage, PO Box 10335, Des Moines, IA 50306-0335

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 25 2018 23:36:52 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jun 25 2018 23:36:49 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516678086 E-mail/PDF: resurgentbknofications@resurgent.com Jun 25 2018 23:38:06 CACH, LLC,  
 PO Box 10587, Greenville, SC 29603-0587  
 516489853 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 25 2018 23:38:04 Capital One,  
 PO Box 30285, Salt Lake City, UT 84130-0285  
 516489855 +Fax: 602-659-2196 Jun 26 2018 00:19:03 Chex Systems, Inc., Attn: Consumer Realtions,  
 7805 Hudson Road, Suite 100, Woodbury, MN 55125-1703  
 516489860 E-mail/Text: cio.bncmail@irs.gov Jun 25 2018 23:36:16 Internal Revenue Service,  
 PO Box 7346, Centralized Insolvency Unit, Philadelphia, PA 19101-7346  
 516653873 E-mail/PDF: resurgentbknofications@resurgent.com Jun 25 2018 23:38:25  
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 516489863 +E-mail/Text: bk@lendingclub.com Jun 25 2018 23:37:13 Lending Club Corp,  
 71 Stevenson St Ste 300, San Francisco, CA 94105-2985  
 516489867 +E-mail/Text: bankruptcy@ondeck.com Jun 25 2018 23:37:31 OnDeck Capital,  
 901 N. Stuart St., Ste. 700, Arlington, VA 22203-4129  
 516702957 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 25 2018 23:49:55  
 Portfolio Recovery Associates, LLC, c/o Visa Black Card, POB 41067, Norfolk VA 23541  
 516489870 +E-mail/Text: bankruptcy@prosper.com Jun 25 2018 23:37:14 Prosper Marketplace In,  
 101 2nd St Fl 15, San Francisco, CA 94105-3672  
 516581256 E-mail/Text: bnc-quantum@quantum3group.com Jun 25 2018 23:36:44  
 Quantum3 Group LLC as agent for, Velocity Investments LLC, PO Box 788,  
 Kirkland, WA 98083-0788  
 516489871 +E-mail/Text: ebn\_bkrt\_forms@salliemae.com Jun 25 2018 23:37:20 Sallie Mae, Po Box 3229,  
 Wilmington, DE 19804-0229  
 516601080 +E-mail/Text: ebn\_bkrt\_forms@salliemae.com Jun 25 2018 23:37:20 Sallie Mae, P.O. Box 3319,  
 Wilmington, DE 19804-4319  
 516489872 +E-mail/Text: vci.bkcy@vwcredit.com Jun 25 2018 23:37:01 Vw Credit Inc, 2333 Waukeegan Rd,  
 Deerfield, IL 60015-5508

TOTAL: 15

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 44

Date Rcvd: Jun 25, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516489859      ##FMS Inc.,      PO Box 707601,      Tulsa, OK 74170-7601

TOTALS: 0, \* 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 27, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 22, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Andrew L. Spivack on behalf of Creditor Wells Fargo Bank, NA. nj.bkecf@fedphe.com

David L. Stevens on behalf of Debtor Sam A Bhatia dstevens@scuramealey.com,

cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com;dmedina@scura.com

Denise E. Carlon on behalf of Creditor VW Credit Inc. dba Audi Financial Services

dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

John J. Scura, III on behalf of Debtor Sam A Bhatia jscura@scuramealey.com,

ecfbkfilings@scuramealey.com/ascolavino@scuramealey.com/dsklar@scuramealey.com;dmedina@scura.com; jscura@scura.com

Nicholas V. Rogers on behalf of Creditor Wells Fargo Bank, NA. nj.bkecf@fedphe.com

TOTAL: 7